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8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2010-24

13 **DARLA JEAN RITCHASON**

6109 Royal Coach Drive

14 Bakersfield, California 93306

A C C U S A T I O N

15 Registered Nurse License No. 520223

16 Respondent.

17
18 Heidi J. Goodman ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Assistant
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about March 8, 1996, the Board issued Registered Nurse License Number
24 520223 to Darla Jean Ritchason ("Respondent"). The registered nurse license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2010,
26 unless renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
5 the Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall
7 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license.

9 **STATUTORY PROVISIONS**

10 5. Code section 2761 states, in pertinent part:

11 "The board may take disciplinary action against a certified or licensed nurse or deny an
12 application for a certificate or license for the following:

13 "(a) Unprofessional conduct....

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof."

17 6. Code section 2762 states:

18 "In addition to other acts constituting unprofessional conduct within the
19 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
20 for a person licensed under this chapter to do the following:

21 "....

22 "(b) Use any controlled substance as defined in Division 10 (commencing
23 with Section 11000) of the Health and Safety Code, or any dangerous drug or
24 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
25 or in a manner dangerous or injurious to himself or herself, any other person, or
26 the public or to the extent that such use impairs his or her ability to conduct with
safety to the public the practice authorized by his or her license.

27 "(c) Be convicted of a criminal offense involving the prescription,
28 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a

1 record pertaining to, the substances described in subdivision (a) of this section, in
2 which event the record of the conviction is conclusive evidence thereof.

3 “(d) Be committed or confined by a court of competent jurisdiction for
4 intemperate use of or addiction to the use of any of the substances described in
5 subdivisions (a) and (b) of this section, in which event the court order of
6 commitment or confinement is prima facie evidence of such commitment or
7 confinement.”

8 COST RECOVERY

9 7. Code section 125.3 provides, in pertinent part, that the Board may request
10 the administrative law judge to direct a licensee found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
12 investigation and enforcement of the case.

13 FIRST CAUSE FOR DISCIPLINE 14 (Conviction of Crimes)

15 8. Respondent is subject to discipline under Code section 2761, subdivision
16 (f), in that she was convicted of the following crimes which are substantially related to the
17 qualifications, functions or duties of a registered nurse:

18 a. On or about March 25, 2008, in the case of *People v. Darla Jean Ritchason*,
19 (Super. Ct. Kern County, Case No. SM097657A), Respondent was convicted by the Court
20 on her plea of nolo contendere of violating Vehicle Code section 23152(A) (driving while
21 under the influence of alcohol), a misdemeanor. The circumstances of the crime are that
22 on or about February 25, 2008, Respondent drove a vehicle while under the influence of
23 alcohol and collided into a tree. The Court ordered Respondent to serve two (2) days in
24 custody.

25 b. On or about March 28, 2008, in the case of *People v. Darla Jean Ritchason*,
26 (Super. Ct. Kern County, Case No. BM722524A), Respondent was convicted by the Court
27 on her plea of nolo contendere of violating Vehicle Code section 23152(A) (driving while
28 under the influence of alcohol), a misdemeanor. The circumstances of the crime were that

1 on or about November 23, 2007, Respondent drove a vehicle while under the influence of
2 alcohol, which resulted in an injury collision with another vehicle. The Court ordered
3 Respondent to serve two (2) days in custody.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Alcohol)**

6 9. Respondent is subject to discipline under Code section 2761, subdivision
7 (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
8 subdivision (b), in that on or about November 23, 2007, and February 25, 2008,
9 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
10 herself and the public when she operated a vehicle with her ability impaired. Complainant
11 refers to and incorporates all the allegations contained in paragraph 8, as though set forth
12 fully.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Conviction Involving the Consumption of Alcohol)**

15 10. Respondent is subject to discipline under Code section 2761, subdivision
16 (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
17 subdivision (c), in that on or about March 25, 2008, and March 28, 2008, Respondent was
18 convicted of crimes involving the consumption of alcohol. Complainant refers to and
19 incorporates all the allegations contained in paragraph 8, as though set forth fully.
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21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Confinement for Intemperate Use of Alcohol)**

23 11. Respondent is subject to discipline under Code section 2761, subdivision
24 (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
25 subdivision (d), in that on or about March 25, 2008, and March 28, 2008, Respondent was
26 committed or confined by the Court for her intemperate use of alcohol. Complainant
27 refers to and incorporates all the allegations contained in paragraph 8, as though set forth
28 fully.

1 PRAYER


2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 520223, issued to
5 Darla Jean Ritchason;

6 2. Ordering Darla Jean Ritchason to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 7/22/09

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13 HEIDI J. GOODMAN
14 Assistant Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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